

11696 U.S. PTO
121903

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| | | |
|---|------------------------|---------------------------|
| UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> | Attorney Docket No. | 2500DV2CN2DV3CN6 |
| | First Inventor | Peter M. Bonutti |
| | Title | Fluid Operated Retractors |
| | Express Mail Label No. | ET 710031063 US |

| | |
|---|---|
| APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents. | ADDRESS TO: Commissioner for Patents Mail Stop Patent Application P.O. Box 1450 Alexandria VA 22313-1450 |
|---|---|

| | |
|--|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages 29] <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 11] 5. Oath or Declaration [Total Sheets 1] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i> 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Reader Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies |
|--|--|

ACCOMPANYING APPLICATION PARTS

- | | |
|---|--|
| 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) | <input type="checkbox"/> Power of Attorney |
| 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> | <input type="checkbox"/> Copies of IDS Citations |
| 11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> | |
| 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1499 | |
| 13. <input type="checkbox"/> Preliminary Amendment | |
| 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> | |
| 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> | |
| 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. | |
| 17. <input type="checkbox"/> Other: | |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/662,923

Prior application information: Examiner Unknown Art Unit: Unknown
 For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

| | | | |
|---|--|---|------------------|
| <input type="checkbox"/> Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) | | OR <input checked="" type="checkbox"/> Correspondence address below | |
| Name | Kimberly V. Perry, Esq. | | |
| Address | U.S. Surgical, A Division of Tyco Healthcare Group, LP | | |
| | 150 Glover Avenue | | |
| City | Norwalk | State | Connecticut |
| Country | US | Zip Code | 06856 |
| | Telephone | 203-845-4562 | Fax 203-845-4266 |
| Name (Print/Type) | Kimberly V. Perry | Registration No. (Attorney/Agent) | 43,612 |
| Signature | <i>[Signature]</i> | Date | 12/18/03 |

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number ET 710031063 US

addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated:

12/22/03

[Signature]
Vanessa M. Rosado

Vanessa M. Rosado

22141 U.S. PTO
10/743125
121903

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FEE TRANSMITTAL

for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00

Complete if Known

| | |
|----------------------|-----------------------------------|
| Application Number | To Be Assigned |
| Filing Date | Concurrently Herewith |
| First Named Inventor | Peter M. Bonutti |
| Examiner Name | Unassigned |
| Art Unit | Unassigned |
| Attorney Docket No. | 2500 DIV II CON II DIV III CON VI |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number

21-0550

Deposit Account Name

United States Surgical

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 740 | 2001 | 370 | Utility filing fee | 770.00 |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 510 | 2003 | 255 | Plant filing fee | |
| 1004 | 740 | 2004 | 370 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$ 770.00 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | | Extra Claims | | Fee from below | | Fee Paid | |
|--------------------|-----------|--------------|---|----------------|---|----------|--|
| 10 | -20** = 0 | 0 | X | 18.00 | = | 0 | |
| 1 | -3** = 0 | 0 | X | 84.00 | = | 0 | |
| Independent Claims | | | | | | | |
| Multiple Dependent | | | | | | | |

| Large Entity | | Small Entity | | Fee Description |
|-----------------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$ 0.00 | | | | |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 400 | 2252 | 200 | Extension for reply within second month | |
| 1253 | 920 | 2253 | 460 | Extension for reply within third month | |
| 1254 | 1,440 | 2254 | 720 | Extension for reply within fourth month | |
| 1255 | 1,960 | 2255 | 980 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,280 | 2453 | 640 | Petition to revive - unintentional | |
| 1501 | 1,280 | 2501 | 640 | Utility issue fee (or reissue) | |
| 1502 | 460 | 2502 | 230 | Design issue fee | |
| 1503 | 620 | 2503 | 310 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 740 | 2809 | 370 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 740 | 2810 | 370 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 740 | 2801 | 370 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|----------|-----------|--------------|
| Name (Print/Type) | Kimberly V. Perry | Registration No. (Attorney/Agent) | 43,612 | Telephone | 203-845-4562 |
| Signature |  | Date | 12/18/03 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter M. Bonutti
Examiner: To Be Assigned Group Art Unit: To Be Assigned
Serial No: To Be Assigned Filed: Concurrently Herewith
For: **FLUID OPERATED RETRACTORS**

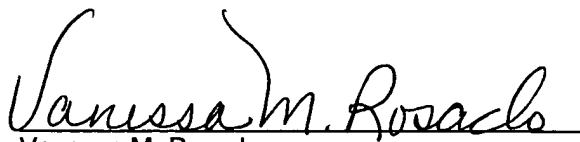
CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: ET 710031063 US
Date of Deposit: Dec. 22, 2003

I hereby certify that the following:

- ☒ This Certificate of Express Mailing
- ☒ Utility Patent Application Transmittal
- ☒ Fee Transmittal
- ☒ A patent application consisting of 29 pages
of abstract, specification and claims
- ☒ 11 sheets of ☒ formal ☐ informal drawings
- ☒ Copy of executed Declaration from parent application
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. box 1450, Alexandria, VA 22313-1450.


Vanessa M. Rosado

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